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The Close of the Hague Conference.

The second Intergovernmental Peace Conference closed its work at The Hague on the 18th of October, after having been in session four months and three days. It was participated in by delegates from forty-four states; two of the forty-six invited, namely, Costa Rica and Honduras, having sent no representatives. Of the two hundred and forty-four delegates (including the secretaries and other attachés), forty-two were Ambassadors and Ministers, and some fifteen of them were members of the existing Hague Court. Several of the most distinguished delegates had been members of the first Hague Conference, among them Frederick de Martens of Russia, Auguste Beernaert of Belgium, Leon Bourgeois, Baron d'Estournelles de Constant and Prof. Louis Renault of France, Dr. Zorn of Germany and Dr. W. H. de Beaufort of The Netherlands.

The unique character of the Conference as the first general world assembly, whose deliberations have laid the foundations of a permanent congress of the nations, has been so frequently referred to in these columns that no further mention need here be made of it.

Though the pessimistic feeling as to the results of the Conference still continues to find large expression in a considerable section of the press, we are glad to see that the opinion is rapidly gaining ground that the results on the whole are about all that could have been reasonably expected under the circumstances. What these results are we pointed out with considerable fullness in our October issue, and to this we must refer our readers, if they wish again to refresh their minds on the subject. Time has increased our conviction that what was there said is in no sense an exaggerated but rather an under estimate of what the beneficial results of the Conference are and are to be.

Thirteen conventions were agreed upon and will be submitted to the governments for their approval. The right to sign these conventions will be open until June 30, 1908. The full text of the conventions has not yet been made public, so far as we have seen. The conventions deal with: (1) the peaceful regulation of international conflicts; (2) the establishment of an international prize court; (3) the rights and duties of neutrals on land; (4) the rights and duties of neutrals at sea; (5) the laying of submarine mines; (6) the bombardment of unfortified sea-coast towns; (7) the collection of contractual debts; (8) the transformation of merchantmen into warships; (9) the treatment of captured crews; (10) the inviolability of fishing boats; (11) the inviolability of the postal service; (12) the application of the Red Cross to sea warfare; (13) the laws and customs of war on land.

Of these conventions, four — the first, seventh, tenth and eleventh — may be classed as distinctively peace conventions, as they either provide for the pacific adjustment of disputes or extend the domain of inviolable peaceful activity. The third, fourth, fifth and sixth provide for the extension of the rights of neutrals and non-combatants as against the pretensions of belligerents, and will hence do much toward the maintenance of peace. The second convention is a distinct advance in the application of the principle that no nation has the right to be judge in its own case. The others provide for the extension of mercy and reason, in case of hostilities, more widely than heretofore. None of these conventions deserve to be treated as if they were nothing, or worse than nothing.

But the chief accomplishments of the Conference, as we said last month, were outside of what has been embodied in these formal conventions. The more we think upon it, the more we are impressed with the belief that the meeting itself, with its long-

continued, able and earnest discussions, participated in, with frankness and good spirit, by representatives from every quarter of the globe, is an event whose immense significance for the advancement of civilization, of order and fellowship and harmony among the nations, none of us, not even the most active participants in it, can now adequately comprehend. The problems with which it had to deal were too big and complex to be fully solved in one short summer. But they have been brought by it into full view and are placed conspicuously upon the international program, for critical study and final solution. They can never be ignored again. We shall in all probability yet get a world court of justice and a periodic assembly of the nations as the actual result of this Conference. They have been recommended by the united judgment of the able and experienced men who went to The Hague. Public sentiment, which is already in advance of the Hague accomplishments, and which has chafed no little at the too meagre positive results obtained, will insist that the *will of the world* shall be done,— even on the subject of limitation and reduction of armaments.

A number of the incidental lessons of the Conference we must reserve for future discussion.

The Equality of Nations.

We desire to call special attention to that portion of Judge Baldwin's address at the Portland Conference of the International Law Association (printed elsewhere in this issue) which touches upon the subject of the equality of nations. Mr. Baldwin declares that, notwithstanding the fact that the different powers still represent very different states of social advancement, and that in this fact are found the most serious obstacles to the reform and codification of international law, yet "the theory of equality between nations is the very soul of the science" of international law. He further asserts that "it is by universal insistence on this rule of equality that those who would advance the place of international law as a social force can best secure their end."

If we go back of international law to international justice, which is something deeper and more vital, which actual international law as yet but imperfectly represents, Judge Baldwin's assertion is still more pertinent. The lack of the practical recognition of the equality of nations in independence, sovereignty and the consequent national rights, has probably been the root of more injustice in the international field than any other cause. The great and powerful nations have often acted toward the smaller and weaker ones as if the latter had no rights which they were bound to respect. This is less true now than formerly, though many things still occur in the conduct of the strong nations toward the weak which painfully remind one of the days when justice had no meaning to the mighty monarchs and governments — nothing, at any rate, beyond their own selfish and ambitious purposes. It is imperative, therefore, that all those who are urging the primacy of justice between nations as the only solid basis for enduring peace, should, in Judge Baldwin's phraseology, continually "insist on this rule of equality."

It is interesting to note that the second Hague Conference, in addition to what it has done in a direct and positive way, has in an indirect and yet effective manner made a notable contribution to the establishment and general recognition of this principle of the equality of nations. It was on the basis of their equality that the forty-six powers of the world were invited to send representatives to the Conference. They were, by the simple invitation, recognized as equal independent and sovereign states called to discuss on a common footing the problems which concerned them all. From this point of view the appearance of the South American states in the Conference had great significance. It is said by those who saw most of the Conference, and had opportunity to observe at close range the spirit which animated it, that the deliberations proceeded under the full and generous recognition of this principle of equality. The representatives of the great powers made no effort to ignore or override those of the small states. On the contrary, they were careful, for the most part, to give them just and generous recognition.

In the matter of the creation of a permanent international court of justice, for which the American delegation, supported by many others, made such a strong and sustained effort, it would seem at first thought that the principle of equality worked unfortunately. The thirty and more smaller states, though they voted cordially with the rest for the principle of a permanent court of justice, yet when it came to the details, — the number of judges and the method of selecting them, — steadily refused to the very last to accept any plan that would relegate them to a position of permanent subjection to the great powers in the creation and operation of the court. The Conference did not succeed in finding any way out of this difficulty without establishing a court too large to be practicable. The representatives of the great powers, though they felt that the constitution of the court ought not to be such as to put it under the control of a possible combination of small states, made no attempt to force a scheme over the heads of the representatives of the small states. So the practical realization of the court, voted in principle unanimously, was not brought about, and the subject will go to a commission of judicial experts appointed by the governments to see what practical solution can be found.

The failure to get a satisfactory scheme of the court agreed upon at the Conference seems, we say, unfortunate. But it would have been much more